

SECOND REGULAR SESSION

SENATE BILL NO. 584

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Pre-filed December 4, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2569.011

AN ACT

To repeal section 287.615, RSMo 1994, and section 286.005, RSMo Supp. 1997, relating to the department of labor and industrial relations, and to enact in lieu thereof two new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 287.615, RSMo 1994, and section 286.005, RSMo Supp. 1997, are repealed and two new sections enacted in lieu thereof, to be known as sections 286.005 and 287.615, to read as follows:

286.005. 1. There is hereby created a "Department of Labor and Industrial Relations" to be headed by a labor and industrial relations commission as provided by section 49, article IV, Constitution of Missouri. All the powers, duties and functions of the industrial commission are transferred by type I transfer to the labor and industrial relations commission and the industrial commission is abolished. The commission shall nominate and the governor shall appoint, with the advice and consent of the senate, the director of the department to be the chief administrative officer of the department. Members of the industrial commission on May 2, 1974, shall become members of the commission and the terms of the commission members shall be the same as provided by law for the industrial commission. Individuals appointed as members of the industrial commission shall serve the remainder of the term to which they were appointed as members of the commission. The members of the commission shall receive an annual salary [of seventy-two thousand seven hundred thirty-five dollars] **equal to ninety percent of the rate at which a circuit judge is compensated** [plus any salary adjustment provided pursuant to section 105.005, RSMo,] payable out of the state treasury. The board of rehabilitation is abolished as hereinafter

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

set out and on May 2, 1974, no compensation shall be paid to any person as a member of the board of rehabilitation, other provisions of the law notwithstanding. The director of the department shall appoint other division heads in the department. For the purposes of subsections 6, 7, 8 and 9 of section 1 of the reorganization act of 1974, the director of the department shall be construed as the head of the department of labor and industrial relations.

2. All powers, duties, and functions vested by law in the division of employment security, chapter 288, RSMo, and others, are transferred by type II transfer to the department.

3. All powers, duties, and functions vested by law in the division of workers' compensation, chapter 287, RSMo, and others, are transferred by type II transfer to the department.

4. All the powers, duties, and functions of the board of rehabilitation, chapter 287, RSMo, and others, are transferred by type I transfer to the division of workers' compensation of the department and the board of rehabilitation is abolished.

5. All powers, duties and functions vested by law in the division of industrial inspections and the division of mine inspections, chapters 286, 290, 291, 292, 293, 294 and 444, RSMo, which were previously transferred by type I transfer to the inspection section of the department, are transferred to the division of labor standards of the department. Employees of the division performing duties related to the mine safety and health act and the occupational safety health act shall be selected in accord with chapter 36, RSMo.

6. All the powers, duties, and functions vested by law in the state board of mediation under chapter 295, RSMo, and others, are transferred by type II transfer to the department.

7. All employees of the division of employment security shall be selected in accord with chapter 36, RSMo.

8. The Missouri commission on human rights, and all the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges thereof vested in the Missouri commission on human rights under chapters 213, 296, 314, and others, RSMo, are transferred by type III transfer to the department. Members of the Missouri commission on human rights shall be nominated by the director for appointment by the governor, by and with the advice and consent of the senate.

9. The department shall act as the administrative entity for the governor's council on disability. The federal and state funds necessary for the administration and implementation of the programs and services provided by the governor's council on disability shall be appropriated through the department.

287.615. 1. The division may appoint or employ such persons as may be necessary to the proper administration of this chapter. All salaries to clerical employees shall be fixed by the division and approved by the labor and industrial relations commission. The annual salary of each legal advisor, administrative law judge, administrative law judge in charge, and chief legal advisor shall be as follows:

(1) For each legal advisor, [forty-one thousand dollars] **compensation at eighty percent of the rate at which an associate circuit judge is compensated;**

(2) For each chief legal advisor, [forty-three thousand dollars] **compensation at the same rate as a legal advisor plus two thousand dollars;**

(3) For each administrative law judge, [forty-eight thousand dollars] **compensation at ninety percent of the rate at which an associate circuit judge is compensated;**

(4) For each administrative law judge in charge, [fifty-one thousand dollars] **compensation at the same rate as an administrative law judge plus five thousand dollars.**

2. [In addition to the compensation specified in subsection 1 of this section, such employees shall receive any salary adjustment provided pursuant to section 105.005, RSMo.

3.] The salary of the director of the division of workers' compensation shall be set by the director of the department of labor and industrial relations[, but shall not be less than the salary plus two thousand dollars of an administrative law judge in charge]. The appointees in each classification shall be selected as nearly as practicable in equal numbers from each of the two political parties casting the highest and the next highest number of votes for governor in the last preceding state election.

Bill ✓

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